



## Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**AUGUST 5, 2019**

**9:30**

**Calendar No. 19-154:**

**18012 Hillgrove Ave.**

**Ward 8**

**Michael Polensek**

**26 Notices**

John Bartone, owner, proposes to change use from a two-family dwelling to a three-family dwelling in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that in a Two-Family District, a three-family dwelling is not permitted; it is first permitted in a Multi-family District
2. Section 337.03(c) which states that The Board of Zoning Appeals, may grant special permit for remodeling of existing dwelling houses to provide for more than two dwelling units but no more than six dwelling units provided that:
  - (1) The square feet of a lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355;
  - (2) The dwelling units to be created will be not similar than two (2) rooms and a bathroom;
  - (3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two families; except such as may be permitted by the Board;
  - (4) The Building when altered or erected and when occupied will confirm to all the applicable provisions of the Building and Housing Codes and as the Commissioner of Building and the Commissioner of Housing so certify;
  - (5) Garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to be accommodated on the premises at the rate of not less than (1) car per family.
3. Section 355.04 which states that the minimum lot area for a three-family dwelling is 7,200 square feet; the lot area proposed is 4,720 feet. (Filed June 25, 2019)

**9:30**

**Calendar No. 19-157:**

**2078 West 44 Street**

**Ward 3**

**Kerry McCormack**

**13 Notices**

Cuyahoga County Land Revitalization Corp., owner, and Horton Harper architect propose to erect a two story single family residence with attached garage on a 2,740 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum gross floor area in a "B" Area District shall not exceed ½ the lot area or in this case 1,370 square feet and 1,486 square feet are proposed.
2. Section 357.08 which states that the depth of required rear yard shall be not less than the height of the main building or in this case 33 feet and 11 inches; the appellant is proposing 3 feet and 1 inch.
3. Section 357.13 which states that the condensing unit along the interior side yard is not permitted encroachment.

4. Section 341.02 which states that City Planning approval is required prior to the issuance of a building permit. (Filed June 27, 2019)

**9:30**

**Calendar No. 19-158:**

**2810 Clinton Ave.**

**Ward 3**

**Kerry McCormack**

**13 Notices**

Malachi House, owner, proposes to install a 6 foot tall fence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 358.04 of the Cleveland Codified Ordinances which states that Fences in actual front yards and actual side street yards shall not exceed four feet in height; proposed fence is six (6) feet in height. (Filed June 27, 2019)

**9:30**

**Calendar No. 19-160:**

**4104 Whitman Ave.**

**Ward 3**

**Kerry McCormack**

**10 Notices**

James R. Kavalec, owner, proposes to erect a two story frame 3 car garage and second floor deck with a one story breezeway in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the Maximum Gross floor Area shall not exceed 50 percent of the lot size or in this case 2,970 square feet and the appellant is proposing 5,082 square feet.
2. Section 357.08 (b)(1) which states that the Required Rear Yard is 23.2 feet and the appellant is proposing 14.04'.
3. Section 358.04 (a) which states that fencing on side streets shall not exceed 4 feet in height and shall be 50% open the appellant is proposing a 6 foot masonry & ornamental fence with 1 foot lanterns. (Filed June 27, 2019)

**9:30**

**Calendar No. 19-162:**

**5712 Detroit Ave.**

**Ward 15**

**Matt Zone**

**24 Notices**

Green Cashburn, LLC., owner, and Flight Cleveland, lessee, propose to add an outdoor patio to a restaurant in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The lessee appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.23(g)(2) which states that a building with an interior side yard more than four(4) feet in width requires City Planning Commission approval in a Pedestrian Retail overlay District.
2. Section 343.23(i) which states that 14 off-street accessory parking spaces are required and six spaces are proposed.(Filed June 28, 2019)

**9:30**

**Calendar No. 19-167:**

**420 Spring Road**

**Ward 12**

**Anthony Brancatelli**

**10 Notices**

Tamara Gwiazada, owner, proposes to install concrete pavers for parking of motor vehicles in the front yard of an existing single family residence in an A1 One-Family Residential District. The owner appeals for relief from the strict application of Section 337.23(a) of the Cleveland Codified Ordinances which states that all parking spaces shall be located on the rear half of the lot or in this case at 70 back from the property line. (Filed July 8, 2019)

**POSTPONED FROM JULY 8, 2019**

**9:30**

**Calendar No. 19-129:**

**3825 Lorain Avenue**

**Ward 3**

**Kerry McCormack**

**27 Notices**

Singh Parmjit, owner, and Ace Cash Express, Lessee, propose to establish use as check cashing business/short-term/small loan lender in a C3 Local Retail Business District. The Lessee appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.17(a) which states that the purpose of this code section is to regulate the location of check-cashing businesses, and certain businesses that make short-term loans, small loans and mortgage loans, for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to guard against market saturation which may lead to increased rates as an offset for lower business volume.
2. Section 347.17(d) which states that there shall be no more than one (1) check-cashing business, short-term loan lender, small loan lender or mortgage loan lender located within the City of Cleveland for each twenty thousand (20,000) persons residing in the City as recorded in the most recent decennial U.S. Census. No additional check-cashing businesses, short-term loan lenders, small loan lenders or mortgage loan lenders shall be established if the current number of check-cashing businesses, short-term loan lenders, small loan lenders or mortgage loan lenders exceeds the maximum number permitted. There are 30 such current state licensed check cashing establishments already existing: the most recent decennial U.S. Census population of Cleveland was 390,000 allowing 19 such establishments (Filed May 31, 2019-No Testimony). *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR TIME FOR BLOCK CLUB REVIEW.*

**REINSTATED FROM JUNE 24, 2019**

**9:30**

**Calendar No. 19-72:**

**961 Addison Road**

**Ward 10**

**Anthony T. Hairston**

**9 Notices**

City of Cleveland, owner, and, C & J Contractors, prospective purchaser proposes to consolidate 4 parcels and build a parking lot in a B3 Semi-Industrial District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07 which states that accessory off-street parking spaces shall be provided with wheel or bumper guards. The driveway used to provide accessibility to accessory parking spaces shall be arranged to minimize traffic congestion.
2. Section 352.10 which states that a 6 foot wide landscaped frontage strip is required.
3. Section 358.05 which states that fences in the actual front yard and in side street yard shall not exceed four (4) feet in height and shall be at least 50% open and proposed fence is 6 feet tall. (Filed April 16, 2019 - NO TESTIMONY) *APPELLANT DID NOT ATTEND HEARING ON JUNE 24 AS HE DID NOT RECEIVE NOTICE. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY FOR FURTHER REVIEW.*

**REHEARING FROM JUNE 10, 2019**

**9:30**

**Calendar No. 19-99:**

**6214 Lausche Ave.**

**Ward 7**

**Basheer S. Jones**

**12 Notices**

St. Martin de Porres High School, owner, proposes to build a parking lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.09 which states that where lighting is provided for accessory off-street parking spaces, it shall be constructed and arranged so as to prevent the direct emission of light upon adjoining lots or the public streets.
2. Section 349.13 which states that *the* Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District, other than a Limited One- Family District, for a parking lot when the best interests of the community will be served, and provided that:
  - (1)The lot is to be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance;
  - (2)No charge is to be made for parking on the lot;
  - (3)The lot is not to be used for sales, repair work or servicing of any kind;
  - (4)Entrance to and exit from the lot are to be located so as to do the least harm to the Residence District;
  - (5)No advertising sign or material is to be located on the lot;
  - (6)All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;
  - (7)The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, sightly fence or wall not less than four (4) feet six (6) inches high and not more

than five (5) feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is annoying to the occupants of adjoining property in a Residence District, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained;

(8)The building permit number under which the lot is established is to be posted;

(9)Such other and further conditions may be imposed as the Board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.(Filed May 8, 2019). THE BOARD GRANTED THIS VARIANCE ON JUNE 10, 2019 WITH CONDITIONS. THE REHEARING WAS REQUESTED BY ADJACENT PROPERTY OWNERS WHO DID NOT RECEIVE PROPER NOTICE.

**POSTPONED FROM JULY 22, 2019**

**Calendar No. 19-153: 12602 Larchmere Blvd.**

**Ward 6  
Blaine A. Griffin  
52 Notices**

Heide Rivchun,owner, and Bernardino Tovanche propose to establish use as a tattoo shop in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that tattoo shop is not permitted in a Local Retail Business District (first permitted in General Retail Business)
2. Section 347.12(b)(1) which states that Tattooing and Body Piercing use must be at least 1,000 feet from a Residence District: proposed use is abutting a Residence District.
3. Section 343.23(e)(2) which states that in a Pedestrian Retail Overlay District, review and approval of the City Planning Commission is required for the location of a driveway over a public sidewalk, the off street parking area along Larchmere and for an interior side yard greater than 4 feet. (Filed June 25, 2019-No Testimony)

**THE FOLLOWING CASE WILL BE POSTPONED TO SEPTEMBER 16 AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT:**

**9:30**

**Calendar No. 19-117: 2036 West 38 Street**

**Ward 3  
Kerry McCormack  
9 Notices**

Ruby Kumar, owner, proposes to create 4 concrete parking spaces and new drive apron to existing single family The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that all parking spaces shall be located on rear half of lot at 60 feet.
2. 349.05(a) which states that no parking space shall be located within 10 feet of any wall of a residential building that contains ground floor windows.
3. Section 349.07(c)(1) which states that only one such driveway shall be permitted for each 100 feet of frontage of the lot providing such parking spaces. (Filed May 24, 2019)